



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,659	06/14/1999	FREDERIC ZENHAUSERN	4467-102US	3190

7590 02/11/2005

CHARLES J BRUMLIK ESQ
MATHEWS COLLINS SHEPHERD & GOULD PA
SUITE 306
100 THANET CIRCLE
PRINCETON, NJ 08540

EXAMINER

FORMAN, BETTY J

ART UNIT PAPER NUMBER

1634

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Continuation of Substance of Interview including description of the general nature of what was discussed:

The examiner contacted Mr. Higgins to discuss amendments to overcome the teaching of Van Ness and place the claims in condition for allowance. The suggested amendments include adding a final step of "using a data set of sorted information and feedback control to control the pcr reaction in real time. The examiner stated that while Van Ness monitors their pcr in real time, they do not teach or suggest controlling the pcr in real time. Mr. Higgins questioned the examiner's opinion of Van Ness and real time monitoring. The examiner stated that Van Ness specifically states "real time" monitoring using an interface (col. 64, first paragraph) and in the following passages provides examples of interface, some of which are illustrated in Fig. 15 & 16. The examiner further stated that the instant specification does not define the instantly claimed "real time" over that taught by Van Ness. Mr. Higgins did not agree to amend the claims as suggested by the examiner. The examiner informed Mr. Higgins that the claims are not compliant with amendment practice under 37 C.F.R. 1.121 because the claim listing does not include Claim 11. Because the claims are not compliant, and because the claims cannot be amended to place them in condition for allowance, a non-compliant letter will be sent at this time. .



BJ FORMAN, PH.D.
PRIMARY EXAMINER